

## CHAPTER 551. MARRIAGE REVISED STATUTES OF 1846

### CHAPTER 83

Chapter 83. Of marriage and the solemnization thereof.

#### **551.1 Marriage between individuals of same sex as invalid contract.**

Sec. 1. Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting that unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

**History:** Add. 1996, Act 324, Imd. Eff. June 26, 1996.

**Compiler's note:** Former MCL 551.1, which pertained to allowable age for contracting marriage, was repealed by Act 37 of 1951, Eff. Sept. 28, 1951.

#### **551.2 Marriage as civil contract; consent; license; solemnization.**

Sec. 2. So far as its validity in law is concerned, marriage is a civil contract between a man and a woman, to which the consent of parties capable in law of contracting is essential. Consent alone is not enough to effectuate a legal marriage on and after January 1, 1957. Consent shall be followed by obtaining a license as required by section 1 of Act No. 128 of the Public Acts of 1887, being section 551.101 of the Michigan Compiled Laws, or as provided for by section 1 of Act No. 180 of the Public Acts of 1897, being section 551.201 of the Michigan Compiled Laws, and solemnization as authorized by sections 7 to 18 of this chapter.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3205;—CL 1871, 4720;—How. 6210;—CL 1897, 8589;—CL 1915, 11363;—CL 1929, 12691;—CL 1948, 551.2;—Am. 1956, Act 44, Eff. Aug. 11, 1956;—Am. 1996, Act 324, Imd. Eff. June 26, 1996.

#### **551.3 Incapacity; persons man prohibited from marrying.**

Sec. 3. A man shall not marry his mother, sister, grandmother, daughter, granddaughter, stepmother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister, mother's sister, or cousin of the first degree, or another man.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3206;—CL 1871, 4721;—How. 6211;—CL 1897, 8590;—Am. 1903, Act 257, Eff. Sept. 17, 1903;—CL 1915, 11364;—CL 1929, 12692;—CL 1948, 551.3;—Am. 1996, Act 324, Imd. Eff. June 26, 1996.

#### **551.4 Incapacity; persons woman prohibited from marrying.**

Sec. 4. A woman shall not marry her father, brother, grandfather, son, grandson, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother, mother's brother, or cousin of the first degree, or another woman.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3207;—CL 1871, 4722;—How. 6212;—CL 1897, 8591;—Am. 1903, Act 257, Eff. Sept. 17, 1903;—CL 1915, 11365;—CL 1929, 12693;—CL 1948, 551.4;—Am. 1996, Act 324, Imd. Eff. June 26, 1996.

#### **551.5 Bigamy prohibited.**

Sec. 5. No marriage shall be contracted whilst either of the parties has a former wife or husband living, unless the marriage with such former wife or husband, shall have been dissolved.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3208;—CL 1871, 4723;—How. 6213;—CL 1897, 8592;—CL 1915, 11366;—CL 1929, 12694;—CL 1948, 551.5.

#### **551.6 Repealed. 2001, Act 9, Imd. Eff. May 29, 2001.**

**Compiler's note:** The repealed section pertained to prohibition of certain marriages.

#### **551.7 Persons authorized to solemnize marriage; records; returns; disposition of fees charged by mayor or county clerk.**

Sec. 7. (1) Marriages may be solemnized by any of the following:

- (a) A judge of the district court, in the district in which the judge is serving.
- (b) A district court magistrate, in the district in which the magistrate serves.
- (c) A municipal judge, in the city in which the judge is serving or in a township over which a municipal court has jurisdiction under section 9928 of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928.
- (d) A judge of probate, in the county or probate court district in which the judge is serving.

- (e) A judge of a federal court.
  - (f) A mayor of a city, anywhere in a county in which that city is located.
  - (g) A county clerk in the county in which the clerk serves, or in another county with the written authorization of the clerk of the other county.
  - (h) For a county having more than 2,000,000 inhabitants, an employee of the county clerk's office designated by the county clerk, in the county in which the clerk serves.
  - (i) A minister of the gospel or cleric or religious practitioner, anywhere in the state, if the minister or cleric or religious practitioner is ordained or authorized to solemnize marriages according to the usages of the denomination.
  - (j) A minister of the gospel or cleric or religious practitioner, anywhere in the state, if the minister or cleric or religious practitioner is not a resident of this state but is authorized to solemnize marriages under the laws of the state in which the minister or cleric or religious practitioner resides.
- (2) A person authorized by this act to solemnize a marriage shall keep proper records and make returns as required by section 4 of 1887 PA 128, MCL 551.104.
- (3) If a mayor of a city solemnizes a marriage, the mayor shall charge and collect a fee to be determined by the council of that city, which shall be paid to the city treasurer and deposited in the general fund of the city at the end of the month.
- (4) If the county clerk or, in a county having more than 2,000,000 inhabitants, an employee of the clerk's office designated by the county clerk solemnizes a marriage, the county clerk shall charge and collect a fee to be determined by the commissioners of the county in which the clerk serves. The fee shall be paid to the treasurer for the county in which the clerk serves and deposited in the general fund of that county at the end of the month.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3210;—CL 1871, 4725;—Am. 1873, Act 85, Eff. July 31, 1873;—How. 6215;—CL 1897, 8594;—Am. 1903, Act 139, Eff. Sept. 17, 1903;—Am. 1909, Act 235, Eff. Sept. 1, 1909;—CL 1915, 11368;—CL 1929, 12696;—Am. 1931, Act 28, Imd. Eff. Apr. 21, 1931;—Am. 1937, Act 42, Eff. Oct. 29, 1937;—CL 1948, 551.7;—Am. 1972, Act 211, Eff. July 1, 1972;—Am. 1975, Act 175, Imd. Eff. July 20, 1975;—Am. 1979, Act 24, Imd. Eff. June 6, 1979;—Am. 1983, Act 64, Imd. Eff. May 26, 1983;—Am. 2006, Act 419, Imd. Eff. Sept. 29, 2006;—Am. 2006, Act 613, Imd. Eff. Jan. 3, 2007;—Am. 2008, Act 47, Imd. Eff. Mar. 27, 2008.

#### **551.8 Repealed. 1983, Act 64, Imd. Eff. May 26, 1983.**

**Compiler's note:** The repealed section pertained to examination of parties on oath.

#### **551.9 Solemnization of marriage; form; declaration by parties; witnesses.**

Sec. 9. In the solemnization of marriage, no particular form shall be required, except that the parties shall solemnly declare, in the presence of the person solemnizing the marriage and the attending witnesses, that they take each other as husband and wife; and in every case, there shall be at least 2 witnesses, besides the person solemnizing the marriage, present at the ceremony.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3212;—CL 1871, 4727;—How. 6217;—CL 1897, 8596;—CL 1915, 11370;—CL 1929, 12698;—CL 1948, 551.9;—Am. 1972, Act 211, Eff. July 1, 1972.

#### **551.14 Unlawful marriage by person authorized to solemnize marriage; penalty.**

Sec. 14. If a person authorized to solemnize marriages knowingly joins any persons in marriage contrary to the provisions of this chapter, he or she shall forfeit for each offense a sum not exceeding \$500.00.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3217;—CL 1871, 4728;—How. 6218;—CL 1897, 8597;—CL 1915, 11371;—CL 1929, 12699;—CL 1948, 551.14;—Am. 1972, Act 211, Eff. July 1, 1972;—Am. 1983, Act 64, Imd. Eff. May 26, 1983.

#### **551.15 Ceremony performance with knowledge of lack of authority or legal impediment; penalty.**

Sec. 15. If any person shall undertake to join others in marriage, knowing that he is not lawfully authorized so to do, or knowing of any legal impediment to the proposed marriage, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than 1 year, or by a fine not less than 50 nor more than 500 dollars, or by both such fine and imprisonment, in the discretion of the court.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3218;—CL 1871, 4729;—How. 6219;—CL 1897, 8598;—CL 1915, 11372;—CL 1929, 12700;—CL 1948, 551.15.

#### **551.16 Want of jurisdiction or authority to solemnize marriage; affect on marriage.**

Sec. 16. A marriage solemnized before an individual professing to be a district judge, common pleas court judge, district court magistrate, municipal judge, judge of probate, judge of a federal court, mayor, the county

clerk or, in a county having more than 2,000,000 inhabitants, an employee of the county clerk designated by the clerk to solemnize marriages, or a minister of the gospel or cleric or religious practitioner shall not be considered or adjudged to be void, nor shall the validity of the marriage be affected, on account of a want of jurisdiction or authority by that individual if the marriage was consummated with a full belief on the part of the individuals married, or either of them, that they were lawfully joined in marriage.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3219;—CL 1871, 4730;—How. 6220;—CL 1897, 8599;—CL 1915, 11373;—CL 1929, 12701;—CL 1948, 551.16;—Am. 1972, Act 211, Eff. July 1, 1972;—Am. 1975, Act 175, Imd. Eff. July 20, 1975;—Am. 1979, Act 24, Imd. Eff. June 6, 1979;—Am. 2006, Act 419, Imd. Eff. Sept. 29, 2006.

#### **551.17 Denominational modes of solemnization; effect of chapter.**

Sec. 17. The preceding provisions of this chapter, so far as they relate to the manner of solemnizing marriages, shall not affect marriages among the people called Friends or Quakers; nor marriages among people of any other particular denomination, having, as such, any peculiar mode of solemnizing marriages; but such marriages may be solemnized in the manner heretofore used and practiced in their respective societies or denominations.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3220;—CL 1871, 4731;—How. 6221;—CL 1897, 8600;—CL 1915, 11374;—CL 1929, 12702;—CL 1948, 551.17.

#### **551.18 Certificates and records of marriage as evidence.**

Sec. 18. The original certificates and records of marriage made by the person solemnizing the marriage as prescribed in this chapter, and the record thereof made by the county clerk, or a copy of such record duly certified by such clerk, shall be received in all courts and places, as presumptive evidence of the fact of the marriage.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3221;—CL 1871, 4732;—How. 6222;—CL 1897, 8601;—CL 1915, 11375;—CL 1929, 12703;—CL 1948, 551.18;—Am. 1972, Act 211, Eff. July 1, 1972.

**MARRIAGE OF PERSON UNDER SIXTEEN**  
**Act 352 of 1921**

AN ACT to prohibit the marriage of a person under 16 years of age and to declare the marriage void.

**History:** 1921, Act 352, Imd. Eff. May 18, 1921;—Am. 1983, Act 198, Imd. Eff. Nov. 7, 1983.

*The People of the State of Michigan enact:*

**551.51 Age of consent; effect of act on powers of probate judge.**

Sec. 1. A marriage in this state shall not be contracted by a person who is under 16 years of age, and the marriage, if entered into, shall be void. This act shall not prohibit probate judges from exercising their powers to perform marriages as provided by Act No. 180 of the Public Acts of 1897, being sections 551.201 to 551.204 of the Michigan Compiled Laws.

**History:** 1921, Act 352, Imd. Eff. May 18, 1921;—CL 1929, 12704;—CL 1948, 551.51;—Am. 1983, Act 198, Imd. Eff. Nov. 7, 1983.

## MARRIAGE LICENSE Act 128 of 1887

AN ACT establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—Am. 1951, Act 37, Eff. Sept. 28, 1951;—Am. 1998, Act 333, Imd. Eff. Aug. 10, 1998.

*The People of the State of Michigan enact:*

### **551.101 Marriage license; requirements; place to obtain, delivery to person officiating.**

Sec. 1. It shall be necessary for all parties intending to be married to obtain a marriage license from the county clerk of the county in which either the man or woman resides, and to deliver the said license to the clergyman or magistrate who is to officiate, before the marriage can be performed. If both parties to be married are non-residents of the state it shall be necessary to obtain such license from the county clerk of the county in which the marriage is to be performed.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222a;—Am. 1889, Act 256, Imd. Eff. July 3, 1889;—CL 1897, 8602;—CL 1915, 11376;—CL 1929, 12705;—CL 1948, 551.101.

### **551.102 Blank form for marriage license and certificate; preparation, contents, and distribution; furnishing blank forms of affidavit of competency; filing affidavit; electronic filing; license as matter of record; transmission to department of community health; social security number; application exempt from disclosure.**

Sec. 2. (1) Blank forms for a marriage license and certificate shall be prepared and furnished by the state registrar appointed by the director of the department of community health to each county clerk of this state in the quantity needed. The blank form for a license and certificate shall be made in duplicate and shall provide spaces for the entry of identifying information of the parties and other items prescribed in rules promulgated by the director of the department of community health. The state registrar shall furnish to each county clerk of this state blank application forms of an affidavit containing the requisite allegations, under the laws of this state, of the competency of the parties to unite in the bonds of matrimony, and as required to comply with federal law, containing a space requiring each applicant's social security number. A party applying for a license to marry shall make and file the application in the form of an affidavit with the county clerk as a basis for issuing the license. The county clerk may permit a party applying for a marriage license to submit that application electronically. If the county clerk accepts an electronically submitted application, the clerk shall print the required information from the application in the form of an affidavit and have a party named in the application sign the affidavit in the presence of the county clerk or a deputy clerk. The license shall be made a matter of record and shall be transmitted to the department of community health in the manner prescribed by the state registrar. The state registrar shall not require an applicant's social security number to be displayed on the marriage license.

(2) A person shall not disclose, in a manner not authorized by law or rule, a social security number collected as required by this section. A violation of this subsection is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(3) A requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances. The county clerk shall inform the applicant of this possible exemption.

(4) The application required to be completed under subsection (1) is a nonpublic record and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The application shall be made available, upon request, to the persons named in the application.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222b;—CL 1897, 8603;—CL 1915, 11377;—CL 1929, 12706;—CL 1948, 551.102;—Am. 1965, Act 127, Eff. Mar. 31, 1966;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978;—Am. 1998, Act 333, Imd. Eff. Aug. 10, 1998;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007.

**Compiler's note:** Enacting section 2 of 1998 PA 333 provides:

"Enacting section 2. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those

provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity.”

**551.103 Persons capable of contracting marriage; age requirement; proof of age; filling out license; written consent; compliance; filing consent; signing, certification, and copy of license; fee; allocation for family counseling services; return and disposition of unexpended funds; waiver of fee; additional fee for nonresidents; delivery of license and certificate to officiating individual; recording information; forwarding licenses and certificates to state registrar; imposition of fee by certain charter counties.**

Sec. 3. (1) A person who is 18 years of age or older may contract marriage. A person who is 16 years of age but is less than 18 years of age may contract marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the person who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is less than 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian, unless the person does not have a living parent or guardian. The consent shall be to the marriage and to the issuing of the license for which the application is submitted. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths. A license shall not be issued by the county clerk until the requirements of this section are complied with. The written consent shall be preserved on file in the office of the county clerk. If the parties are legally entitled to be married, the county clerk shall sign the license and certify the fact that it is properly issued, and the clerk shall make a correct copy of the license in the books of registration.

(2) A fee of \$20.00 shall be paid by the person applying for the license and shall be paid by the county clerk into the general fund of the county. The county board of commissioners shall allocate \$15.00 of each fee collected to the circuit court for family counseling services, which shall include counseling for domestic violence and child abuse. If family counseling services are not established in the county, the circuit court may use the money allocated to contract with public or private agencies providing similar services. Money allocated to the circuit court pursuant to this section that is not expended shall be returned to the general fund of the county to be held in escrow until circuit court family counseling services are established pursuant to the circuit court family counseling services act, 1964 PA 155, MCL 551.331 to 551.344. A probate court may order the county clerk to waive the marriage license fee in cases in which the fee would result in undue hardship. If both parties named in the application are nonresidents of the state, the person applying for the license shall pay an additional fee of \$10.00, which the county clerk shall deposit into the general fund of the county. The county clerk shall give the license filled out and signed, together with the blank form of certificate, to the person applying, for delivery to the individual who is to officiate at the marriage. On the return of the license to the county clerk, containing the signatures of the witnesses to the marriage, who shall be 18 years of age or older, the individuals being married, and the individual officiating at the marriage, with the certificate of the individual officiating at the marriage that the marriage has been performed, the county clerk shall record in the book of registration in the proper place of entry the information prescribed by the director of the department of community health. The licenses and certificates issued and returned shall be forwarded to the state registrar appointed by the director of the department of community health on the forms and in the manner prescribed by the director.

(3) A charter county that has a population of over 2,000,000 may impose by ordinance a marriage license fee or nonresident marriage license fee, or both, different in amount than the fee prescribed by subsection (2). The charter county shall allocate the fee for family counseling services as prescribed by subsection (2). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222c;—Am. 1895, Act 243, Eff. Aug. 30, 1895;—CL 1897, 8604;—CL 1915, 11378;—Am. 1917, Act 195, Eff. Aug. 10, 1917;—CL 1948, 551.103;—Am. 1951, Act 37, Eff. Sept. 28, 1951;—Am. 1953, Act 31, Eff. Oct. 2, 1953;—Am. 1963, Act 112, Eff. Sept. 6, 1963;—Am. 1967, Act 23, Imd. Eff. June 2, 1967;—Am. 1968, Act 304, Eff. Nov. 15, 1968;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978;—Am. 1980, Act 4, Eff. Feb. 14, 1980;—Am. 1981, Act 65, Imd. Eff. June 16, 1981;—Am. 1984, Act 346, Imd. Eff. Dec. 27, 1984;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007.

**551.103a Marriage license; time of delivery; solemnization of marriage required.**

Sec. 3a. A marriage license shall not be delivered within a period of 3 days including the date of application. However, the county clerk of each county, for good and sufficient cause shown, may deliver the

license immediately following the application. If the county clerk delivers the license immediately following the application, the person applying for the license shall pay a fee to be determined by the county board of commissioners, which the county clerk shall deposit into the general fund of the county. A marriage license issued is void unless a marriage is solemnized under the license within 33 days after the application.

**History:** Add. 1925, Act 107, Eff. Aug. 27, 1925;—CL 1929, 12708;—Am. 1947, Act 112, Eff. Oct. 11, 1947;—CL 1948, 551.103a;—Am. 1955, Act 227, Eff. Oct. 14, 1955;—Am. 1975, Act 104, Imd. Eff. June 6, 1975;—Am. 1989, Act 270, Imd. Eff. Dec. 26, 1989;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007.

#### **551.104 Certificate completion; officiating person duty; original license return; record.**

Sec. 4. It shall be the duty of the clergyman or magistrate, officiating at a marriage, to fill in the spaces of the certificate left blank for the entry of the time and place of the marriage, the names and residences of 2 witnesses, and his own signature in certification that the marriage has been performed by him and any and all information required to be filled in in the spaces left blank in the certificate shall be typewritten or legibly printed. He shall separate the duplicate license and certificate, and deliver the half part designated duplicate to 1 of the parties, so joined in marriage, and within 10 days return the original to the county clerk issuing the same. It shall be the duty of such clergyman or magistrate to keep an accurate record of all marriages solemnized in a book used expressly for that purpose.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222d;—CL 1897, 8605;—Am. 1913, Act 244, Eff. Aug. 14, 1913;—CL 1915, 11379;—CL 1929, 12709;—CL 1948, 551.104;—Am. 1955, Act 96, Eff. Oct. 14, 1955.

#### **551.105 County clerk; violation of act, misdemeanor, penalty.**

Sec. 5. Any county clerk who shall refuse to give a license to persons properly applying and legally entitled to be married, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than 25 dollars or more than 100 dollars, or in default of payment thereof, by imprisonment in the county jail for a term of 30 days.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222e;—CL 1897, 8606;—CL 1915, 11380;—CL 1929, 12710;—CL 1948, 551.105.

#### **551.106 Person officiating at marriage; violation of act, misdemeanor, penalty.**

Sec. 6. Any clergyman or magistrate who shall join together in marriage parties who have not delivered to him a properly issued license, as provided for in this act, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of 100 dollars, or in default of payment thereof, by imprisonment in the county jail for a term of 90 days.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222f;—CL 1897, 8607;—CL 1915, 11381;—CL 1929, 12711;—CL 1948, 551.106.

#### **551.107 Failure to return certificate; misdemeanor, penalty.**

Sec. 7. Any person, whose duty it shall be to return a marriage certificate to the county clerk, who shall neglect to return said certificate, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of not exceeding 100 dollars or 90 days' imprisonment, or both, in the discretion of the court.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222g;—CL 1897, 8608;—CL 1915, 11382;—CL 1929, 12712;—CL 1948, 551.107.

#### **551.108 Marriage license; false statement in application, perjury.**

Sec. 8. Any person applying for a marriage license who shall swear to a false statement therein, shall be guilty of perjury, and shall be prosecuted therefor under the general laws of the state.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222h;—CL 1897, 8609;—CL 1915, 11383;—CL 1929, 12713;—CL 1948, 551.108.

#### **551.109 Filing reports of marriage; record.**

Sec. 9. The reports of marriage sent by the county clerks of the counties of the state to the department of public health shall be preserved on file in that department, and a proper record shall be made and kept.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222i;—CL 1897, 8610;—CL 1915, 11384;—CL 1929, 12714;—CL 1948, 551.109;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978.

#### **551.110 License, certificate or certified copy record as evidence.**

Sec. 10. The record of any license to marry, or of any marriage certificate, in any county clerk's office, or a certified copy thereof, shall be prima facie evidence in any court or proceedings in this state, with the same force and effect as if the original were produced, both as to the facts therein contained and as to the

genuineness of the signatures thereto.

**History:** 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222j;—CL 1897, 8611;—CL 1915, 11385;—CL 1929, 12715;—CL 1948, 551.110.

**551.111 License or certificate errors; evidence, correction.**

Sec. 11. Whenever it is alleged that the facts are not correctly stated in any certificate or license of marriage heretofore registered in this state, the county clerk of the county in which the certificate or license of marriage has been recorded shall require such evidence to be presented in the form of an affidavit or otherwise as may be necessary to establish the alleged facts and when so established the original record shall be changed to accord with the same. Such evidence shall be approved by the circuit court by ex parte order.

**History:** Add. 1969, Act 196, Imd. Eff. Aug. 6, 1969.

**ANTENUPTIAL PHYSICAL EXAMINATION**  
**Act 207 of 1937**

**551.151-551.154 Repealed. 1972, Act 272, Imd. Eff. Oct. 11, 1972;—1978, Act 368, Eff. Sept. 30, 1979.**

## **ISSUANCE OF MARRIAGE LICENSE WITHOUT PUBLICITY**

### **Act 180 of 1897**

AN ACT to provide for the issuance of marriage licenses and certificates without publicity in certain cases; and to provide criminal and civil penalties for violation of this act.

**History:** 1897, Act 180, Eff. Aug. 30, 1897;—Am. 1983, Act 199, Imd. Eff. Nov. 7, 1983.

*The People of the State of Michigan enact:*

#### **551.201 Issuance of marriage license without publicity; conditions; application; notice; consent; exceptions; order.**

Sec. 1. (1) When a person desires to keep the exact date of his or her marriage to a person of the opposite sex a secret, the judge of probate may issue, without publicity, a marriage license to any person making application, under oath, if there is good reason expressed in the application and determined to be sufficient by the judge of probate.

(2) The judge of probate may marry, without publicity, persons under marriageable age, as provided in section 3 of Act No. 128 of the Public Acts of 1887, being section 551.103 of the Michigan Compiled Laws, if the application for the license is accompanied by 1 of the following:

(a) A written request of all of the biological or adopting living parents of both parties, and their guardian or guardians if either or both of the parents are dead.

(b) A written request of the parents or guardians of the party under marriageable age if only 1 party to the marriage is under the marriageable age.

(3) If the noncustodial parent has been given notice of the request for consent by personal service or registered mail at his or her last known address and the noncustodial parent fails to enter an objection within 5 days after receipt of notice, then the consent shall be required only of a parent to whom custody of a child has been awarded by a court. The consent shall not be required of a parent confined under sentence in a state or federal penal institution or confined in a mental hospital under adjudication of legal incapacity by a court of competent jurisdiction or upon the return of process by the sheriff of the county in which the parent was last known to reside made not less than 5 nor more than 14 days after issuance of the process certifying that after diligent search the parent cannot be found within the county.

(4) The judge of probate may authorize an order nunc pro tunc regarding the date to appear on the marriage license.

**History:** 1897, Act 180, Eff. Aug. 30, 1897;—CL 1897, 8612;—Am. 1899, Act 232, Eff. Sept. 23, 1899;—CL 1915, 11387;—CL 1929, 12717;—Am. 1939, Act 251, Eff. Sept. 29, 1939;—CL 1948, 551.201;—Am. 1957, Act 209, Eff. Sept. 27, 1957;—Am. 1967, Act 175, Imd. Eff. June 30, 1967;—Am. 1983, Act 199, Imd. Eff. Nov. 7, 1983.

#### **551.202 Application for marriage license; form; fee; performing marriage ceremony; permit; record; marriage certificate; execution of papers in duplicate; delivery of marriage certificate to parties.**

Sec. 2. Each application made under this act for a marriage license shall be in the usual form and shall be accompanied by a fee of \$3.00, \$2.00 of which the judge of probate shall keep for services rendered, and \$1.00 of which the judge of probate shall forward to the state registrar for deposit in the state general fund. The judge of probate, upon the filing of an application under this act, shall perform the marriage ceremony. If the applicant or either of the parties to the marriage desires to have the marriage ceremony performed by some person competent to perform the marriage ceremony other than the judge of probate, the judge of probate shall issue a written permit to the person designated by the applicant or contracting party directing that person to perform the marriage ceremony. The party so designated, if competent to perform the marriage ceremony under the laws of this state, may perform the marriage ceremony, but a record shall not be made of the marriage, except the record made by the judge of probate under this act. Upon the performance of the marriage ceremony, the party performing it shall return the marriage certificate to the judge of probate, who shall attach the license and certificate to the application. The papers described in this section shall be executed in duplicate, and the person performing the marriage ceremony shall deliver a certificate of the marriage to the parties.

**History:** 1897, Act 180, Eff. Aug. 30, 1897;—CL 1897, 8613;—Am. 1899, Act 232, Eff. Sept. 23, 1899;—Am. 1909, Act 312, Eff. Sept. 1, 1909;—Am. 1911, Act 224, Eff. Aug. 1, 1911;—CL 1915, 11388;—CL 1929, 12718;—CL 1948, 551.202;—Am. 1979, Act 133, Imd. Eff. Oct. 30, 1979;—Am. 1983, Act 199, Imd. Eff. Nov. 7, 1983.

#### **551.203 Private file of papers and duplicates thereof; recordation of filing in private register;**

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**inspection of files and records; request and identification; court order.**

Sec. 3. The judge of probate shall file a complete set of all papers in each case in a private file, and, within 10 days after the marriage, shall forward a duplicate to the registrar appointed by the state director of public health. The state director of public health shall file the duplicate in a private file and record the filing in a private register. The file in the probate court, and the duplicate and record in the state department of public health, shall be open to inspection only upon the written request and proper proof of identification of 1 or both of the partners to the marriage, or upon the written order of a judge of the circuit court of this state, and only for the use designated in the order. The order shall be made only upon the written request of the person or persons who were married under this act, or if necessary for the protection of property rights arising from or affected by the marriage.

**History:** 1897, Act 180, Eff. Aug. 30, 1897;—CL 1897, 8614;—Am. 1899, Act 232, Eff. Sept. 23, 1899;—CL 1915, 11389;—CL 1929, 12719;—CL 1948, 551.203;—Am. 1979, Act 133, Imd. Eff. Oct. 30, 1979.

**551.204 Privileged communications; violation of confidence as misdemeanor; publicity as misdemeanor; penalties; libel action; neglecting to make proper return.**

Sec. 4. All knowledge of facts which shall come to the judge of probate, state registrar or an agent or employee of the state registrar, the physician endorsing the application, or a witness to the marriage under the license issued under this act shall be privileged communications. A violation of confidence by the judge of probate, state registrar or an agent or employee of the state registrar, the physician, or a witness is a misdemeanor, punishable by a fine of not less than \$25.00, nor more than \$100.00, plus the costs of prosecution, and, in default of the payment, imprisonment for not more than 3 months. An editor, publisher, or proprietor of a newspaper or publication within this state giving publicity to a license or marriage performed under this act is guilty of a misdemeanor punishable by a fine of not less than \$50.00, nor more than \$100.00, plus the costs of prosecution, and, in default of the payment, imprisonment for not more than 30 days. In addition, the editor, publisher, or proprietor shall be liable in an action of libel to the parties married under the license. If the judge of probate performing the marriage ceremony under a license issued under this act neglects to make proper return, the judge shall be fined, in addition to penalties prescribed by the laws of this state, not more than \$50.00.

**History:** 1897, Act 180, Eff. Aug. 30, 1897;—CL 1897, 8615;—CL 1915, 11390;—CL 1929, 12720;—CL 1948, 551.204;—Am. 1979, Act 133, Imd. Eff. Oct. 30, 1979.

**LEGAL STATUS OF MARRIED MINORS**  
**Act 160 of 1919**

AN ACT to release legally married minors from parental control and to determine their marital rights and duties.

**History:** 1919, Act 160, Eff. Aug. 14, 1919.

*The People of the State of Michigan enact:*

**551.251 Legal marriage of minor; parental and marital rights and duties; guardian ad litem.**

Sec. 1. Hereafter the legal marriage of a minor shall release such minor from parental control; and the husband or wife of a minor, so released, shall be entitled to the same rights, benefits and privileges, and such minor shall be subject to the same duties, liabilities and responsibilities, as such husband or wife, as if such minor husband or wife were of legal age at the time of such marriage.

Hereafter it shall be unnecessary in any divorce suit commenced by or against a legally married minor to have a next friend or guardian ad litem appointed for such minor unless the circuit judge shall require it; and such minor shall be entitled to prosecute or defend any such action in the same manner and with the same effect as if he or she were of legal age.

**History:** 1919, Act 160, Eff. Aug. 14, 1919;—CL 1929, 12722;—Am. 1945, Act 215, Eff. Sept. 6, 1945;—CL 1948, 551.251.

**FOREIGN MARRIAGES**  
**Act 168 of 1939**

AN ACT to determine whether certain marriages solemnized in another state by individuals authorized to solemnize marriages under the laws of that state are to be recognized in this state.

**History:** 1939, Act 168, Imd. Eff. June 6, 1939;—Am. 1996, Act 334, Imd. Eff. June 26, 1996.

*The People of the State of Michigan enact:*

**551.271 Marriages solemnized in another state validated.**

Sec. 1. (1) Except as otherwise provided in this act, a marriage contracted between a man and a woman who are residents of this state and who were, at the time of the marriage, legally competent to contract marriage according to the laws of this state, which marriage is solemnized in another state within the United States by a clergyman, magistrate, or other person legally authorized to solemnize marriages within that state, is a valid and binding marriage under the laws of this state to the same effect and extent as if solemnized within this state and according to its laws.

(2) This section does not apply to a marriage contracted between individuals of the same sex, which marriage is invalid in this state under section 1 of chapter 83 of the revised statutes of 1846, being section 551.1 of the Michigan Compiled Laws.

**History:** 1939, Act 168, Imd. Eff. June 6, 1939;—CL 1948, 551.271;—Am. 1996, Act 334, Imd. Eff. June 26, 1996.

**551.272 Marriage not between man and woman invalidated.**

Sec. 2. This state recognizes marriage as inherently a unique relationship between a man and a woman, as prescribed by section 1 of chapter 83 of the Revised Statutes of 1846, being section 551.1 of the Michigan Compiled Laws, and therefore a marriage that is not between a man and a woman is invalid in this state regardless of whether the marriage is contracted according to the laws of another jurisdiction.

**History:** Add. 1996, Act 334, Imd. Eff. June 26, 1996.

**SEPARATE RESIDENCE OF MARRIED WOMEN FOR POLITICAL PURPOSES**  
**Act 265 of 1931**

**551.291, 551.292 Repealed. 1954, Act 116, Eff. June 1, 1955.**

**ALIENATION OF AFFECTIONS**  
**Act 127 of 1935**

**551.301-551.311 Repealed. 1980, Act 180, Imd. Eff. July 2, 1980.**

## **CIRCUIT COURT FAMILY COUNSELING SERVICES ACT**

### **Act 155 of 1964**

AN ACT to establish circuit court family counseling services and to provide for their powers and duties; to provide for the employment of directors of family counseling and for the selection and size of their staffs; to provide for the confidentiality of communications between the family counselors and clients; and to provide for payment of fees by persons counseled.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

*The People of the State of Michigan enact:*

#### **551.331 Short title.**

Sec. 1. This act shall be known and may be cited as the “circuit court family counseling services act”.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.332 Family counseling services; creation; purpose; establishment in judicial circuits; appropriations; participation in funding; agreement; limitation.**

Sec. 2. (1) For the purpose of preserving and improving family life through competent family counseling, family counseling services which shall include domestic violence and child abuse, are created as provided in this section. In each judicial circuit, the circuit court may establish family counseling services. The county board of commissioners shall appropriate \$15.00 of each marriage license fee and all income derived from fees charged for family counseling services. If the circuit has established a family counseling service, each county board of commissioners may participate in the funding of the services and may make additional appropriations for the establishment and maintenance of the family counseling services. In multiple-county circuits, the boards of commissioners may agree as to the participation of each in the funding, and as to the appropriation which each may make. The agreement may provide for varying rather than equal contributions from each county.

(2) The circuit court shall not enter into a contract, employ personnel or expend funds which shall exceed the appropriations of funds from the county board of commissioners.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.333 Family counseling service as arm of circuit court; merger with other court services; contracts; purchase of services; direct service delivery.**

Sec. 3. The circuit court family counseling service is an arm of the circuit court. It may be merged with other court services or maintained separately, as the court determines. The circuit court may enter into contracts with the state or private agencies for all or part of the family counseling services to be provided in the judicial circuit. The court shall give preference to the purchase of services, but may provide direct service delivery if any of the following applies:

- (a) Quality services are not available from a private source or government agency;
- (b) The provision of direct service delivery is cost beneficial as determined by an independent audit;
- (c) The court has a program of direct services on the effective date of this act.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.334 Director; qualifications; employment, term, and compensation; compensation of staff.**

Sec. 4. The chief executive officer of the circuit court family counseling service is the director. The director shall be qualified by training and experience to render family counseling service and shall be employed by, and serve at the pleasure of, the circuit court. The compensation of the director and the director's staff shall be fixed by the circuit court and paid from the general fund of the county.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.335 Hiring of professional and clerical staff.**

Sec. 5. The director of a circuit court family counseling service may hire professional and clerical staff with the approval of the circuit court.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.336 Rules and standards of eligibility for counseling; priority; residential requirements.**

Sec. 6. The circuit court shall prescribe rules and standards of eligibility for counseling. First priority for

service shall be given to domestic relations actions in which a complaint or motion has been filed in the circuit court. A family is eligible for counseling by the family counseling service if at least 1 of the spouses has the residential requirements to file a complaint or a motion in a domestic relations action in the court.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.337 Referrals to agencies outside court; conferences.**

Sec. 7. The director of a circuit court family counseling service shall advise spouses fully of the existence of qualified family counseling services outside the court so that they may freely make an informed choice of the outside service. In order to assure maximum use of community resources, referrals to agencies outside the court shall be made unless otherwise requested. The family counseling service may hold conferences with the spouse, spouses, or members of the family, or may refer parties to other qualified family counselors, family counseling agencies, or social welfare agencies, religious agencies or advisors, physicians, psychiatrists, private agencies, or other qualified persons. The referrals shall be made, when in the judgment of the director, the interest of the family would thereby be as well or better served.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.338 Family counseling service as impartial, unbiased resource in evaluating problems.**

Sec. 8. Upon specific referral from the court or at the request and agreement of the litigants, the family counseling service may be instructed to serve as an impartial, unbiased resource in evaluating problems involving custody of minor children, parenting time of minor children, and related matters.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980;—Am. 1996, Act 7, Eff. June 1, 1996.

#### **551.339 Confidentiality; privileged communications; exemption.**

Sec. 9. (1) Except as provided in subsection (2), a communication between a counselor in the family counseling service and a person who is counseled is confidential. The secrecy of the communication shall be preserved inviolate as a privileged communication which privilege cannot be waived. The communication shall not be admitted in evidence in any proceedings. The same protection shall be given to communications between spouses and counselors to whom they have been referred by the court or the court's family counseling service.

(2) A family referred by the court with custody or parenting time problems whose adult members sign an agreement indicating the purpose of the referral is exempt from subsection (1). A report of an evaluation of those families shall be submitted to the court with indicated recommendations.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980;—Am. 1996, Act 7, Eff. June 1, 1996.

#### **551.340 Fee schedule; disposition of revenues.**

Sec. 10. The family counseling service may charge fees for its counseling in accordance with a fee schedule prescribed by the circuit court with the advice and consent of the county board of commissioners. The county board of commissioners may designate a committee of its members to act in its stead in approving the fee schedule. The schedule may be based on ability to pay and may be waived by the court, the presiding judge, or the judge to whom the case may be assigned, for good cause shown. Revenues from fees shall be paid into the county general fund, and used to defray costs of the family counseling service. In multiple-county circuits revenues shall be returned to counties in accordance with their proportionate contributions to the creation and maintenance of the service. The county board of commissioners or a designated committee of its members may make provision for payment to agencies outside the court for family counseling services rendered to spouses in indigent cases.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.341 Powers of family counseling service.**

Sec. 11. The family counseling service may engage in research, educational efforts, public information service, or other endeavors related to the purpose and policy of this act as approved by the circuit court.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

#### **551.342 Statutory provisions not changed or affected; conferences or interviews not considered as condonation.**

Sec. 12. This act shall not change or affect grounds for divorce, separation, or other statutory provisions relating to domestic relations actions. Conferences or interviews with family counselors or a person or agency to whom parties may be referred shall not be considered as condonation by either spouse of the conduct of the other spouse.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.

**551.343 Multiple-judge circuit; majority of judges.**

Sec. 13. In a multiple-judge circuit any act, decision or recommendation by the circuit court, provided for by this act, shall be deemed accomplished by a vote of a majority of the judges of the circuit.

**History:** 1964, Act 155, Eff. Aug. 28, 1964.

**551.344 Submission to family counseling not required.**

Sec. 14. This act shall not be construed to require a person who objects to family counseling to submit to family counseling.

**History:** 1964, Act 155, Eff. Aug. 28, 1964;—Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980.